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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/511,968	02/23/2000	Jay S. Walker	96-082-C1	3686

22927 7590 04/05/2006

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STAMFORD, CT 06905

EXAMINER

TRAN, HAI V

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/511,968	<b>Applicant(s)</b> WALKER ET AL.	
	<b>Examiner</b> Hai Tran	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 19-21 and 37-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-21 and 37-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

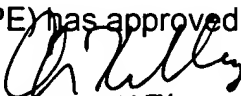
**DETAILED ACTION**

***Reopened Prosecution***

In view of the Appeal brief filed on 12/05/2005, PROSECUTION IS HEREBY REOPENED. A new Office Action is set forth below.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

KELLEY CHRISTOPHER S.

  
**CHRIS KELLEY**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 19-21, and 37-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slezak (US 6006257).

Claim 19, Slezak discloses for example, "at some point a truck is highlighted in a scene, secondary programming material can be interleaved which present an advertisement related to a local truck dealer carrying a similar model of truck being shown in the primary programming." In view of that, One of ordinary skill in the art would understand that at certain point in time T0, when the screen display a scene with a truck, a action event, i.e., "highlighted" of the object associated with that

action event will be highlighted, in this instant, the “truck” within that scene will be “highlighted”. As such, “product information” reads on event data or hot spot/highlighted data or infomercial data, i.e., synchronizing time data/timing data or at what point in time an object within a scene is presented (frame that contents a truck), advertisement information, highlighted color; “relating to a product used in the entertainment program” reads on infomercial data, synchronizing time or timing data for triggering the action event of “highlighted” that relates to the object (truck) within a scene of a movie; “information identifying how the product was used in the entertainment program” reads on ‘data’ associated with the highlighted event wherein the ‘data’ is used to indicate when the truck is highlighted, i.e., synchronizing time or timing data or at what point in time a object within a scene is presented, i.e., the truck, so the action event of highlighted is triggered, and how the truck is used in the movie , i.e., the truck within the scene is used as infomercial (“secondary programming material can be interleaved which present an advertisement related to a local truck dealer carrying a similar model of truck being shown in the primary programming.”) In view of that Slezak (Col. 4, lines 14-20) meets the claimed limitation “the product information includes information identifying how the product was used in the entertainment program” and a local database storing the product information (secondary information; Fig. 1, el. 524; Fig. 2, el. 38 and Fig. 3, el. 78; Col. 5, lines 10-22; Col. 6, lines 43-45 and Col. 7, lines 34-36);

Slezak does not clearly disclose a terminal coupled to a central controller, to enter product data into the central controller system that allows a viewer to purchase

products shown in an entertainment program (read on operator data entry), the terminal comprising means for entering product information relating to a product used in the entertainment program; and means for transmitting to the central controller the product information stored in the local database.

Because Slezak discloses various programming database that store primary and secondary programming material (product information) in which various subject matters can be defined in relationship to the secondary video programming (product information) and assigned number as a record with the respective timing in the primary video programming (the entertainment program). Therefore, one of ordinary skill in the art would have been obvious to modify Slezak to have a terminal coupled to a central controller (video server 520a of Fig. 1) as a data entry terminal so that a data-entry operator could perform data entry product and product related information, and remotely transmitted to the database that reside remotely from the data entry terminal so to provide to user related addition information of a related product advertisement during the TV program scene as disclosed.

Claim 20, Slezak discloses various programming database that store primary and secondary programming material (product information) in which various subject matters can be defined in relationship to the secondary video programming (product information) and assigned number as a record with the respective timing in the primary video programming (the entertainment program). Slezak further discloses wherein the product information includes information identifying how the product was

used in the entertainment program because the “highlighted” action associated with an object is an information identifying how the associated object was used in the entertainment program, see Col. 4, lines 14-20, as discussed in claim 19;

Slezak does not clearly disclose “a method for entering product data and transmitting the product data to a central controller which allows a viewer to purchase products shown in an entertainment program, comprising: Entering product information relating to a product used in the entertainment program: Storing the entered product information; and transmitting the stored product information to the central controller.”

Because of that disclosure, one of ordinary skill in the art would have been obvious to modify Slezak to have a terminal coupled to a central controller (video server 520a of Fig. 1) as a data entry terminal so that a data-entry operator could perform data entry product and product related information, and remotely transmitted to the central database that reside remotely from the data entry terminal so to provide to user related information of a related product advertisement during the TV program scene as disclosed.

Claim 21, “wherein the step of transmitting comprises the step of:

Remotely transmitting the stored product information to the central controller”.

As discussed in claim 20, the data-entry terminal could be resided at a remote location to the database server. Thus, the entry data must be transmitted to the remote database for storage.

Claim 37, Slezak discloses a method for allowing entertainment program viewers to purchase products shown in an entertainment program (Col. 33-38).

Slezak does not clearly disclose the step of: "Entering product information related to a product used in the entertainment program; Receiving the entered product data; Storing the entered product data in a central database;" However, Slezak discloses "Accessing from the database information about the product used in the entertainment program" (Col. 4, lines 14-19 and Col. 8, lines 32-39). Slezak further discloses various programming database that store primary and secondary programming material (product information) in which various subject matters can be defined in relationship to the secondary video programming (product information) and assigned number as a record with the respective timing in the primary video programming (the entertainment program). Slezak further discloses wherein the product data includes information identifying how the product was used in the entertainment program because the "highlighted" action associated with an object is an information identifying how the associated object was used in the entertainment program, i.e., interactive or commercial or additional information, see Col. 4, lines 14-20;

Because of that disclosure, one of ordinary skill in the art would have been obvious to modify Slezak to have a terminal coupled to a central controller (video server 520a of Fig. 1) as a data entry terminal so that a data-entry operator could perform data entry product and product related information into the local database

and remotely transmitted to the central database that reside remotely from the data entry terminal so Slezak system could be performed as disclosed.

Claim 38, limitation "wherein the step of entering product data includes the substeps of: Storing the entered product information in a local database; and remotely transmitting the product information stored in the local database to the central database." Is further met by Slezak as discussed in claim 37 in which limitation "wherein the product information includes information identifying how the product was used in the program" is further met by Slezak (Col. 4, lines 14-20);

Claim 39, as to "Receiving from the viewer a request about the product shown in the entertainment program, the request containing a subset of the product information;

Identifying the product information in the database using the subset of the product information; and Sending to the viewer the identified information about the product", it is further obvious over Slezak because the search and retrieval (request/query) of a item/record of a relational database depends on an index related to a product in which the user requests.

Claim 40, wherein the step of accessing includes the substeps of:

Receiving a request from an entertainment program viewer about a product shown in the entertainment program (Col. 4, lines 14-19 and Col. 8, lines 25-38);



As to "Remotely transmitting a query relating to the request; and receiving product information about the product identified in the request", it is further obvious over Slezak because the search and retrieval (request/query) of a item/record of a relational database depends on an index related to a product in which the user requests.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (571) 272-7305. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HT:ht  
03/30/2006

  
HAI TRAN  
PRIMARY EXAMINER